

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CISCO SYSTEMS, INC. and ACACIA)	
COMMUNICATIONS, INC.,)	
)	
Plaintiffs,)	C.A. No. 22-674-GBW
)	
v.)	
)	
RAMOT AT TEL AVIV UNIVERSITY LTD.,)	
)	
Defendant.)	
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RAMOT AT TEL AVIV UNIVERSITY LTD.,)	
)	
Plaintiff,)	
)	C.A. No. 23-12-GBW
v.)	
)	
CISCO SYSTEMS, INC.,)	
)	
Defendant.)	

STIPULATED AND [PROPOSED] ORDER REGARDING
CONSOLIDATION AND CASE SCHEDULING

WHEREAS, C.A. 22-674 is an action brought under the Declaratory Judgment Act regarding U.S. Patent No. 11,342,998 (the “’998 Patent”);

WHEREAS, C.A. 23-12 is an action for patent infringement of the ‘998 Patent;

WHEREAS, C.A. 23-12 was recently transferred to this Court from the Eastern District of Texas (C.A. 23-12, D.I. 52, 54);

WHEREAS, the actions involve common questions of law and fact; and

WHEREAS, the parties wish to consolidate the actions;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the approval and Order of the Court, as follows:

1. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, these actions are consolidated for all purposes. C.A. No. 22-674 shall be the lead case, and hereafter all filings pertaining to these actions shall be docketed only in the lead case and shall bear only the lead case's caption. The lead case's caption shall be as follows:

CISCO SYSTEMS, INC. and ACACIA)	
COMMUNICATIONS, INC.,)	
)	
Plaintiffs,)	C.A. No. 22-674-GBW (consolidated)
)	
v.)	
)	
RAMOT AT TEL AVIV UNIVERSITY LTD.,)	
)	
Defendant.)	

2. All terms of the Scheduling Order entered in C.A. 22-674 on December 13, 2022 (C.A. 22-674, D.I. 48) shall be deemed entered and operative in the consolidated action, with the below claim construction deadlines in the Scheduling Order amended as follows to enable the parties to take into account the expected institution decision in IPR2022-01283 on or around February 23, 2023:

Event/Deadline	Existing Deadline	Proposed New Deadline
Exchange list of terms for claim construction	2/27/2023	3/27/2023
Exchange proposed claim constructions	3/6/2023	4/3/2023
Deadline to meet and confer regarding claim constructions	3/10/2023	4/10/2023
Filing of joint claim construction chart	3/17/2023	4/17/2023
Ramot's opening claim construction brief (service only)	4/14/2023	5/10/2023

Event/Deadline	Existing Deadline	Proposed New Deadline
Cisco and Acacia's answering claim construction brief (service only)	5/12/2023	6/5/2023
Ramot's reply claim construction brief (service only)	6/2/2023	6/26/2023
Cisco and Acacia's sur-reply claim construction brief (service only)	6/23/2023	7/17/2023
Claim Construction Tutorial	6/30/2023	7/24/2023
Joint claim construction brief (file with Court)	6/30/2023	7/24/2023
Joint letter to Court re: claim construction hearing logistics	6/30/2023	7/24/2023
Claim construction hearing	9/7/2023	9/7/2023 (<i>no change</i>)

ASHBY & GEDDES

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Andrew C. Mayo**/s/ Jennifer Ying*

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SO ORDERED, this _____ day of _____, 2023.

 United States District Judge